

REMARKS

Claims 1-63 are pending in the application. Claims 64-67 are newly presented herein.

Claim Objections

Claim 48 stands objected to for depending from itself. Claim 48 has been amended to depend from claim 33.

Rejection under 35 U.S.C §103

Claims 1, 2, 4, 6-12, 20-28, 30-33, 35-44, 52-61 and 63 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DE Pat. No. 19747745 to Allinger in view of GB Pat. No. 2348777 to Baker et al. In particular, the Examiner finds that with respect to claim 1, Allinger discloses all claimed limitations with the exception of specifically disclosing a comparison means for comparing the location of the user with the known locations. However, the Examiner finds that Baker discloses this feature in Fig. 2. The Examiner concludes that because these two references are analogous art, it would have been obvious to a skilled person to modify Allinger by incorporating the teaching of Baker.

Applicants have reviewed the two references with care, paying particular attention to the passages and figures cited to by the Examiner, and are compelled to disagree with the Examiner's understanding of these references. Superficially similar to Allinger, the system of claim 1 relates generally to enabling a "dumb" entity to speak by using a voice service as a voice proxy for the entity. The voice service is brought into operation for the dumb entity when a user is detected close to the dumb entity. The voice output of the voice service is provided through audio output devices spaced from the local entity. A distinguishing feature of the system of claim 1 is that the voice-service voice output is controlled such that the service output appears to the user to emanate from the dumb entity, irrespective of the user's position and head orientation relative to the dumb entity. This salient feature is simply not present in Allinger nor in Baker.

The sole mention of audio output in Allinger consists of a description of prior art techniques of using a "portable cassette or compact disc player, or mobile or immobile headphones attached to the exhibits..". When portable players are employed, the user hears the

sound emanating from the player, not the exhibit. Similarly, when headphones are employed, the sound will appear to emanate from a central, or user-forward-facing position, when mono sound is employed (the sole embodiment described). However, even if employing stereo sound, the source of the sound would be set with reference to the user's direction of facing and would only appear to emanate from an exhibit when the user was facing in one particular direction (which is the same as for mono sound). The sole illustrated embodiment of Allinger provides a communication unit 4 with headphones which serve to provide the audio output to the user. No additional information is provided in Allinger regarding the audio output means (although other references to the headphones appear at page 6, line 30 and page 4, line 9). There is simply no disclosure about controlling the voice output levels of the audio output devices such that the voice-service output appears to emanate from an exhibit regardless of the user's position or direction of facing relative to the exhibit.

Baker is concerned with cellular communication systems and more particularly with enabling the provision of services based on the location of a mobile user. This entire reference is preoccupied solely with methods of tracking and predicting the location of a cellular phone, and thus the Examiner's assertion that this document is analogous art to Allinger is difficult to accept. Nonetheless, and regardless of the Examiner's classification of this document, Baker also makes no mention whatsoever of controlling the voice output levels of audio output devices such that the voice-service output appears to emanate from an exhibit regardless of the user's position or direction of facing relative to the exhibit. This is certainly not surprising, given the lack of common ground between cellular telephone communications and voice-enabled exhibits.

Applicants respectfully remind the Examiner of the requirements posited by MPEP 2143.03 that "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." (emphasis added) The Examiner has not made, and indeed cannot make, a *prima facie* showing that combining Allinger with Baker would yield to the skilled person a system capable of controlling the voice output levels of audio output devices such that the voice-service output appears to emanate from an exhibit regardless of the user's position or direction of facing

relative to the exhibit. Claim 1 has been amended to make this feature clearer. Applicants therefore submit that amended claim 1 is allowable and respectfully request the Examiner to reconsider and pass the claim to issue. Should the Examiner insist on maintaining this position, Applicants respectfully invite the Examiner to identify the precise portion of either reference where this feature is explicitly disclosed.

Claims 2, 4, 6-12, 20-24, 28 and 30 depend from claim 1. Claims 25-27 have been canceled. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1, Applicants submit that claims 2, 4, 6-12, 20-28 and 30 are also allowable.

Claim 33 is a method claim corresponding to system claim 1, and has been amended accordingly. Claims 58-60 have been canceled. Applicants therefore submit that claim 33 and claims 35-44, 52-57, 61 and 63 dependent therefrom are therefore also allowable.

Claims 3, 5, 13-19, 29, 34, 45-51, and 62 are rejected as obvious in view of Allinger and Baker and further in view of various other references. These claims are also dependent from claim 1 or 33, and therefore, in view of the preceding discussion, Applicants submit that claims 3, 5, 13-19, 29, 34, 45-51, and 62 are also allowable.

New claims 64-67 are presented herein, and are all dependent, directly or indirectly, from claim 1 or 33. These claims are directed to originally disclosed subject matter and introduce no new matter.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

A Notice of Change of Correspondence Address is filed concurrently herewith. Kindly note the new Attorney Docket Number for this case.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

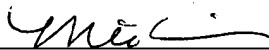
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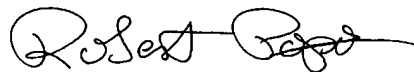
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